



The State of New Hampshire
Department of Environmental Services



Michael P. Nolin
Commissioner

**Informational Meeting and Pre-Rulemaking Notification
for
*Adoption of Rules to Reduce Air Pollution***

In response to the growing threat of MtBE contamination of the state's water resources, the New Hampshire Department of Environmental Services (DES) has applied to the U.S. Environmental Protection Agency (EPA) to end the use of reformulated gasoline (RFG), which contains MtBE. Unfortunately, by opting out of the federal RFG program, New Hampshire will lose the air quality benefits and emission reductions that are realized through the use of RFG.

In order to maintain these air pollution emission reductions, specifically reductions in volatile organic compound (VOC) emissions, the DES Air Resources Division (ARD) is preparing to commence the process for adopting administrative rules in five different product and source categories. These categories include consumer products, architectural and industrial maintenance coatings, mobile equipment repair and refinishing, solvents and cleaners, and portable fuel containers (gas cans). As intended by the New Hampshire General Court in Senate Bill 397 (2004 session), the proposed rules will be based on the Ozone Transport Commission's (OTC) Model Rules for reduction of VOC emissions in these categories.

(Please see reverse side for background information on the OTC rules and adoption.)

You are cordially invited to attend an informational meeting sponsored by DES to provide background information on the requirements the state must meet relative to VOC emissions reductions, the OTC model rules, and the rule adoption process; and to seek input from affected stakeholders.

What: Informational Meeting on Rulemaking to Achieve VOC Emission Reductions

When: Monday, August 23, 2004, at 1:30 PM

Where: Rooms 111 & 112, DES Offices, Health and Human Services Building, 29 Hazen Drive, Concord, NH

Directions to the DES Offices are attached. Please bring photo identification for building security purposes. In order to register for the meeting or for further information regarding the meeting, please contact:

Sharon Crane, Executive Secretary
scrane@des.state.nh.us, (603) 271-6453

Background on N.H. OTC Model Rule Adoption

The state will need to make up approximately six tons per day of VOC emission reductions achieved from the RFG program. Adoption of rules based on the OTC model rules is currently estimated to yield approximately eight tons per day of reductions. VOC emissions contribute to the formation of ground-level ozone (or “smog”) and many are classified as hazardous air pollutants or toxic compounds which pose significant additional health risks.

While SB 397¹ refers to adopting rules regarding “consumer products,” this term is broadly defined in statute to include five different product and source categories, including:

- Consumer products – Hairspray, deodorants, and other solvent based products for individual consumer use
- Architectural and Industrial Maintenance (AIM) coatings – Paints, industrial coatings, adhesives, etc.
- Mobile Equipment Repair and Refinishing (MERR) – Coatings, processes, and equipment related to autobody refinishing
- Solvents and cleaners – Industrial and commercial solvent cleaning and degreasing operations
- Portable fuel containers (PFC) – Requirements to reduce spillage and gasoline vapor emissions from new portable gasoline containers

Prior to commencing the formal rulemaking process, DES is interested in receiving input from affected stakeholders regarding the content of the proposed rules, or any other information that may be relevant for DES to consider in developing these rules. DES also anticipates that stakeholder workgroups may be established for some or all of the rules to help DES better understand issues related to rule adoption, implementation, and compliance.

Providing any information or input for DES to consider at this point does not preclude or in any way limit your organization’s ability to provide additional comments later during the formal rulemaking process.

For questions and additional information on this rulemaking, or to be placed on the contact list for additional rulemaking information, please contact:

Sheri Eldridge-Banack, Planning Specialist/Rulemaking coordinator
sbanack@des.state.nh.us , (603)271-0880

To provide written information for DES to consider in this rulemaking, please address all correspondence to Ms. Eldridge-Banack at:

New Hampshire Department of Environmental Services
P.O. Box 95, 29 Hazen Drive
Concord, NH 03302-0095

¹ Senate Bill 397 is available at <http://gencourt.state.nh.us/legislation/2004/sb0397.html>. The OTC rules are available at <http://www.otcair.org/interest.asp?fview=stationary> (click on p. 2 of 3 in the lower right corner, under the “REPORTS & CORRESPONDENCE” heading. Similar regulations are currently being adopted in many OTC states (click on “[Model Rule Adoption Matrix](#)” under Committee Activities on p.1 of 3 of the website).